IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

MONDAY, THE TWENTY FIRST DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 2068 of 1994

Between:

Adina Ramaiah, S/o late Adina Bayyanna
Medikurthivaripalli alias Gandlapalli Village
Booragamanda Post, Sodam Mandal, Chittoor Dist

..... PETITIONER

AND

1 The Mandal Revenue Officer, Sodam Mandal, Sodam, Chittoor Dist
2 The Revenue Divisional Officer, Madanapalli,Chittoor Dist
3 The District Collector, Chittoor, Chittoor Dist
4 Sri Pacharla Venkatesu, Medikurthivaripalli alias, Gandlapalli Village, Booragamanda Post, Sodam Mandal, Chittoor Dist
5 Pacharla Ramanaiah, Medikurthivaripalli alias Gandlapalli Village,d Booragamanda Post, Sodam Mandal, Chittoor Dist

..RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, direction or order preferably in the nature of a writ of mandamus directing the respondents 1 to 3 not to take eviction proceedings in respect of S.No.295/1 of an extent of Ac.0-69 cents and S.No.295/4 of an extent of Ac.4-59 cents of Medikurthivaripalli alias Gandlapalli hamlet of Booragamanda, Sodam Mandal, Chittoor District and not to assign the lands to Sri.Pacharla Venkatesu and Sri Pacharla Ramanaiah or to any third parties and pass such other order.

Counsel for the Petitioner: MR.B.RAJENDRA

Counsel for the Respondents 1 to 3: GP FOR REVENUE

Counsel for the Respondents 4 & 5: None appeared

The Court Made the Following :
ORDER:

The petitioner is a resident of Gandlapalli village in Sodam Mandal of Chittoor District. He assails the action of the first respondent in cancelling the assignment of agricultural land admeasuring Acs.0.69 in Survey No.295/1 and an extent of Acs.4.59 in Survey No.295/4 in the said village, allegedly without due process of law.

It is a case of the petitioner that he was granted Patta in respect of the land, prior to that he and his ancestors were cultivating the land since a long time having obtained permission from the erstwhile Zamindar and that at the behest of respondents 4 and 5, the first respondent cancelled the Patta on the ground that he has alienated the lands. The petitioner also contends that before cancellation of 'D' Form Patta, he was not given any notice nor he was heard by the first respondent.

When the matter was heard on 21.06.2004, having regard to the allegation made, this Court directed the learned Government Pleader for Revenue (Assignment) to get the details regarding latest position. Today, i.e.21.06.2004, the learned Government Pleader produced before this Court a letter addressed by Mandal Revenue Officer, Sodam, to the effect that the petitioner herein and his brother-in-law are in possession of the land and they are cultivating the land having dug two bore wells. This clinchingly shows that the allegation of alienation by the petitioner in contravention to the conditions of assignment is not correct. Therefore, in the interest of justice, the writ petition is disposed of in the following manner.

The respondents shall not disturb the possession of the petitioner. If there is any allegation of violation of conditions of Patta, it shall be open to the first respondent to initiate action under the provisions of A.P. Assigned Lands (Prohibition of Transfer) Act, 1977 or under relevant Boards Standing Orders. There shall be status quo as on today.

With the above observation, the Writ Petition is disposed of without order as to costs.

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(V.V.S.RAO,J)

21.06.2004
pln

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Mandal Revenue Officer, Sodam Mandal, Sodam, Chittoor Dist
2 The Revenue Divisional Officer, Madanapalli,Chittoor Dist
3 The District Collector, Chittoor, Chittoor Dist
4. 2 CCs to The G.P. for Revenue, High Court Buildings, Hyderabad (OUT).
5. 2CD copies